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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013 - 394

13 **CHRISTIAN MILTON SANCHEZ**  
14 **14160 Redhill Avenue, #34**  
15 **Tustin, CA 92780**

**A C C U S A T I O N**

16 **Registered Nurse License No. 731297**

17 Respondent.

18 Complainant alleges:

**PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
21 Consumer Affairs.

22 2. On or about July 15, 2008, the Board of Registered Nursing issued Registered Nurse  
23 License Number 731297 to Christian Milton Sanchez (Respondent). The Registered Nurse  
24 License was in full force and effect at all times relevant to the charges brought herein and will  
25 expire on November 30, 2013, unless renewed.

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## JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

6. Section 2811(b) states:

Each such license not renewed in accordance with this section shall expire but may within a period of eight years thereafter be reinstated upon payment of the biennial renewal fee and penalty fee required by this chapter and upon submission of such proof of the applicant's qualifications as may be required by the board, except that during such eight-year period no examination shall be required as a condition for the reinstatement of any such expired license which has lapsed solely by reason of non-payment of the renewal fee. After the expiration of such eight-year period the board may require as a condition of reinstatement that the applicant pass such examination as it deems necessary to determine his present fitness to resume the practice of professional nursing.

## STATUTORY PROVISIONS

7. Section 482 of the Code states:

Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

- (a) Considering the denial of a license by the board under Section 480; or
- (b) Considering suspension or revocation of a license under Section 490.

Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee."

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1        8.     Section 490 of the Code provides, in pertinent part, that a board may suspend or  
2     revoke a license on the ground that the licensee has been convicted of a crime substantially  
3     related to the qualifications, functions, or duties of the business or profession for which the  
4     license was issued.

5        9.     Section 493 of the Code states:

6                Notwithstanding any other provision of law, in a proceeding conducted by a  
7     board within the department pursuant to law to deny an application for a license or  
8     to suspend or revoke a license or otherwise take disciplinary action against a person  
9     who holds a license, upon the ground that the applicant or the licensee has been  
10    convicted of a crime substantially related to the qualifications, functions, and duties  
11    of the licensee in question, the record of conviction of the crime shall be conclusive  
12    evidence of the fact that the conviction occurred, but only of that fact, and the board  
13    may inquire into the circumstances surrounding the commission of the crime in  
14    order to fix the degree of discipline or to determine if the conviction is substantially  
15    related to the qualifications, functions, and duties of the licensee in question.

16                As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and  
17    'registration.'

18        10.    Section 2761 of the Code states:

19                The board may take disciplinary action against a certified or licensed nurse  
20    or deny an application for a certificate or license for any of the following:

21                (a) Unprofessional conduct, which includes, but is not limited to, the  
22    following:

23                ...

24                (4) Denial of licensure, revocation, suspension, restriction, or any other  
25    disciplinary action against a health care professional license or certificate by another  
26    state or territory of the United States, by any other government agency, or by  
27    another California health care professional licensing board. A certified copy of the  
28    decision or judgment shall be conclusive evidence of that action.

29                ....

30                (f) Conviction of a felony or of any offense substantially related to the  
31    qualifications, functions, and duties of a registered nurse, in which event the record  
32    of the conviction shall be conclusive evidence thereof.

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11. Section 2762 of the Code states:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

....

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof.

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#### REGULATORY PROVISIONS

12. California Code of Regulations, title 16, section 1444, states:

A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

(a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160.

(b) Failure to comply with any mandatory reporting requirements.

(c) Theft, dishonesty, fraud, or deceit.

(d) Any conviction or act subject to an order of registration pursuant to Section 290 of the Penal Code.

13. California Code of Regulations, title 16, section 1445(b), states:

When considering the suspension or revocation of a license on the grounds that a registered nurse has been convicted of a crime, the board, in evaluating the rehabilitation of such person and his/her eligibility for a license will consider the following criteria:

(1) Nature and severity of the act(s) or offense(s).

(2) Total criminal record.

(3) The time that has elapsed since commission of the act(s) or offense(s).

1 (4) Whether the licensee has complied with any terms of parole, probation,  
2 restitution or any other sanctions lawfully imposed against the licensee.

3 (5) If applicable, evidence of expungement proceedings pursuant to Section  
4 1203.4 of the Penal Code.

5 (6) Evidence, if any, of rehabilitation submitted by the licensee.

### 6 COST RECOVERY

7 14. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
8 administrative law judge to direct a licensee found to have committed a violation or violations of  
9 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
10 enforcement of the case.

### 11 FIRST CAUSE FOR DISCIPLINE

12 **(May 21, 2012 Criminal Conviction for DUI, Driving With Blood Alcohol Content of 0.08  
13 Percent or Higher [0.14 Percent BAC], and Child Abuse on June 1, 2011)**

14 15. Respondent is subject to disciplinary action under Code sections 490 and 2761(f) of  
15 the Code in that he was convicted of a crime substantially related to the qualifications, functions,  
16 and duties of a registered nurse. The circumstances are as follows:

17 16. On or about May 21, 2012, in a criminal proceeding entitled *People of the State*  
18 *of California v. Christian Milton Sanchez*, in the Orange County Superior Court, Central Justice  
19 Center, in Case No. 11CM08824, Respondent was convicted on his plea of guilty, of violating  
20 Vehicle Code sections 23152(a) (DUI) and 23152(b) (driving with a blood alcohol concentration  
21 (BAC) of 0.08 percent more [0.14 percent]), and Penal Code section 273a(b) (child abuse),  
22 misdemeanors.

23 17. As a result of the above convictions, the Court placed Respondent on five (5) years  
24 informal probation and ordered him to serve 90 days in the Orange County Jail, with sentence  
25 stayed; pay various fines, fees and restitution, enroll in and complete an 18-month Multiple  
26 Offender Alcohol Program and a MAAD Victim's Impact Panel, install an ignition interlock  
27 device in his vehicle for one year, and not operate a motor vehicle unless the vehicle was  
28 equipped with an Ignition Interlock Device (IID) pursuant to Vehicle Code section 23575.

1 During the morning court session of May 21, 2012, the Court ordered Respondent to return on the  
2 same date, at 3:30 p.m., with proof of IID installation in his vehicle, but Respondent failed to  
3 appear. On May 30, 2012, the Court revoked Respondent's probation for failure to appear with  
4 proof of IID installation and a warrant was issued for his arrest. On June 3, 2012, the warrant was  
5 served on Respondent by Anaheim Police Department and Respondent was booked in the Orange  
6 County Jail. On June 5, 2012, the Court found that Respondent violated probation, ordered  
7 probation reinstated, and ordered Respondent to serve an additional two days in the Orange  
8 County Jail, with 2 days credit for time served.

9 18. The circumstances that led to Respondent's convictions are that on June 1, 2011, at  
10 approximately 9:00 a.m., Tustin Police Department Officers responded to a call of a traffic  
11 collision at 1450 El Camino Real in Tustin, California, with one of the drivers possibly being  
12 under the influence of alcohol. When officers arrived, they made contact with a school patrol  
13 person who pointed out Respondent as the driver who was reported to smell of alcohol. The  
14 second driver was also on the scene. Officers made contact with Respondent, who smelled of  
15 alcohol, and asked if he had consumed alcohol prior to driving that day. Respondent told officers  
16 he had been out drinking until 1:00 a.m. that morning and drank about 7 beers the previous night  
17 and early that morning before leaving the bar. Respondent admitted to officers that he had driven  
18 his 17-year-old daughter to school and dropped her off just prior to the collision. Officers  
19 administered field sobriety tests, which Respondent failed. Officers administered PAS breath  
20 tests which registered a 0.166 percent BAC at 0856 hours and a 0.17 percent BAC at 0858 hours.  
21 A third breath test administered at the Tustin Police Department registered a 0.14 percent BAC at  
22 0931 and 0934 hours.

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b. Violation of Business and Professions Code section 2878.5(c) for unprofessional conduct in that Respondent was convicted of an alcohol-related crime.

c. Violation of Business and Professions Code section 2878(a) and California Code of Regulations, section 2518.6(b)(4) and (c) in that Respondent failed to abstain from chemical or substance abuse by driving under the influence of alcohol with a blood alcohol concentration of 0.08 percent or higher on January 20, 2008.

d. Factors in aggravation included convictions Respondent admitted in his application for a vocational nurse license for violating Vehicle Code sections 23152(a) (DUI) and 23152(b) (driving with blood alcohol concentration of 0.08 percent or higher), on or about January 11, 1992, and for violating Vehicle Code sections 23152(a) (DUI) and 23152(b) (driving with blood alcohol concentration of 0.08 percent or higher), on or about July 9, 2001 in the Orange County Superior Court. The factors in aggravation also included that Respondent had been cited and fined on June 15, 2004 in Citation Number 04-0077-L for violations of the Code while employed with Helping Hands Westminster for failure to provide the prescribed treatment to a patient to whom he was assigned and for failure to document that the prescribed treatment was completed. Respondent was fined \$1,001.

## DISCIPLINARY CONSIDERATIONS

22. To determine the degree of discipline, if any, to be imposed on Respondent pursuant to California Code of Regulations, title 16, section 1445, Complainant alleges that on or about October 16, 2008, in *People v. Christian Milton Sanchez*, Orange County Superior Court Case No. 08CM03264, Respondent was convicted on his plea of guilty of violating Vehicle Code section 23152(a) (DUI) and 23152(b) (driving with a blood alcohol concentration of 0.08 percent or more), misdemeanors. Respondent disclosed this conviction to the Board during the initial application process for a registered nurse license.

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**PRAYER**


WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 731297 issued to Christian Milton Sanchez;

2. Ordering Christian Milton Sanchez to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: NOVEMBER 14, 2012

  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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